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SUBJECT: 2009 INCSR

1. Following please find Kenya's submission for the 2009 INCSR:

2. QUOTE: KENYA

I. Summary

Kenya remains a significant transit country for cocaine and heroin bound for Europe and the United States. Quantities of heroin and hashish transiting Kenya, mostly from Southwest Asia bound for Europe and the U.S. have markedly increased in recent years. There is a growing domestic heroin and cocaine market and use of cannabis or marijuana is widespread, particularly on the coast and in Nairobi. There is also an emerging pattern of opiates trafficked from Kenya to the Indian Ocean islands of Seychelles, Mauritius, Madagascar and Comoros. Although government officials profess strong support for antinarcotics efforts, the overall program suffers from a lack of resources and corruption at various levels. Kenya is a party to the 1988 UN Drug Convention.

II. Status of Country

Kenya is a significant transit country for cocaine and heroin and a minor producer of cannabis for the domestic market. The production of khat, legal in Kenya, is an important source of foreign revenue for Kenya. Though there is some local demand for the product, the majority of khat grown is for export to Somalia, Ethiopia and Yemen, and increasingly, the U.K. and The Netherlands. It is believed that Kenya is becoming an increasingly significant transit country for multi-ton shipments of cocaine from South America destined for European and American consumers; however, cocaine seizures were modest in 2007 at 18.8 kgs compared to 23.5 kgs seized in 2006. Kenya's sea and air transportation infrastructure, and the network of commercial and family ties that link some Kenyans to Southwest Asia, make Kenya a significant transit country for Southwest Asian heroin and hashish. Although it is impossible to quantify exactly, officials believe that the United States is at least as significant as Europe as a destination for heroin transiting Kenya. Cannabis is produced in commercial quantities primarily for the domestic market (including use by some elements among the large number of tourists vacationing in Kenya), with additional quantities arriving from Uganda and Tanzania. While it is believed that small quantities of cannabis may be bound for export, there is no evidence of its impact on the United States. Kenya does not produce significant quantities of precursor chemicals, and the Pharmacy and Poisons Board closely monitors imports and exports of precursor and licit drugs.

III. Country Actions Against Drugs in 2008

Policy Initiatives. Counter narcotics agencies, notably the Anti-Narcotics Unit (ANU) within the Kenyan Police Service, depend on the 1994 Narcotic Drugs and Psychotropic Substances Act for enforcement authorities and interdiction guidelines. Revisions to the Narcotics Act on the seizure, analysis, and disposal of narcotic drugs and psychotropic substances drafted by the government of Kenya and the United Nations Office for Drugs and Crime (UNODC) in 2005 were implemented in March 2006.

The National Agency for the Campaign against Drug Abuse Authority (NACADAA), the governmental organization charged with combating drug abuse in Kenya was formally designated an Authority in June 2007 giving it greater legal standing and autonomy. In addition, its annual budget has been doubled. These changes are widely viewed as improvements that will lead to enhanced efficacy in the pursuit of its mandate. In May 2008, NACADAA published the National Strategy on Prevention, Control and Mitigation of Drug and Substance Abuse, 2008-2012 and the National Alcohol Policy.

In September 2008, the Nairobi-based UN Office on Drugs and Crime

hosted a meeting for regional members of the Paris Pact Initiative. The Initiative facilitates counter narcotics cooperation and coordination among countries affected by the illicit traffic of opiates from Afghanistan. The meeting drew counter narcotics experts and policy makers from across Africa along with representatives of international drug law enforcement agencies and UNODC experts. Kenya called on all African countries to enact tougher legislation to combat drugs and substance abuse.

As a result of UNODC and bilateral training programs, the ANU and the Kenyan Customs Service now have a cadre of officers proficient in profiling and searching suspected drug couriers and containers at airports and seaports. Airport profiling has yielded good results in arrests for couriers but not major traffickers. Seaport profiling has proven difficult. Despite the official estimate that a significant portion of the narcotics trafficked through Kenya originates on international sea vessels, ANU maritime interdiction capabilities remain virtually nonexistent. Personnel turnover at the ports is high and Kenya currently has limited maritime interdiction capability.

Kenya has no crop substitution or alternative development initiatives for progressive elimination of the cultivation of narcotics. The ANU remains the focus of Kenyan antinarcotics efforts.

Corruption continues to thwart the success of long-term port security training. Lack of resources, a problem throughout the Kenyan police force, significantly reduces the ANU's operational effectiveness. The number of ANU police officers has decreased to 90 from highs in the 130s. Malindi, an important coastal tourism destination and major narcotics transit site, has but one ANU officer.

Law Enforcement Efforts. In 2007, seizures of heroin declined from 136 cases involving 20.7 kg in 2006 to 94 cases involving 12.5 kg. (All statistics on drug seizures in this section reflect the period from January to December 2007 as provided by the ANU. The ANU compiles statistics regarding seizures annually in January, thus statistics for 2008 are not yet available.) ANU arrested 98 people in heroin-related charges in 2007, down from 149 the previous year. Seizures of Cannabis and derivatives increased substantially from 10,280.5 kg in 2006 to 43,590.5 kg in 2007, although the number of persons arrested dropped from 5067 to 4618. The ANU conducts joint operations with the Kenya Wildlife Service, including aerial surveys in the area of Mount Kenya. However, there is no systematic program for detection and eradication and farmers are increasingly aware of techniques used by the ANU and often intercrop, effectively preventing detection. Kenyans account for the majority of the 4,743 persons arrested in 2007, mostly for seizures of Cannabis. Tanzanians are the mules of choice for heroin and cocaine.

Cocaine seizures remained constant at 7, but 2007 netted only 18.8 kg versus 23.5 kg in 2006. Seizures of psychotropic substances increased, with Mandrax at the top of the list at 25 kg. Other substances seized include 52 tablets of Diazepam and 1334 tablets of Roche. In 2008, ANU forces discovered and dismantled a laboratory manufacturing illicit drugs and arrested three South Africans and two Kenyans in the process. The case is pending in the courts. In 2008, five tons of pseudo ephedrine destined for Tanzania and onward to super-labs in Mexico was seized during transshipment from Kenya to Tanzania. There is close cooperation between the ANU and the Kenya Pharmacy and Poisons Board in coordination of seizures and putting up measures to ensure drugs and chemicals are not diverted. Corruption. Corruption remains a significant barrier to effective narcotics enforcement at both the prosecutorial and law enforcement level. Despite Kenya's strict narcotics laws that encompass most forms of narcotics-related corruption, reports continue to link public officials with narcotics trafficking.

Agreements and Treaties. Kenya is a party to the 1988 UN Drug Convention, the 1961 UN Single Convention and its 1972 Protocol, and the 1971 UN Convention on Psychotropic Substances. The 1931 U.S.-U.K. Extradition Treaty remains in force between the United States and Kenya through a 1965 exchange of notes. Kenya is a party to the UN Corruption Convention and to the UN Convention against Transnational Organized Crime and its three protocols. **Cultivation and Production.** A significant number of Kenyan farmers

illegally grow cannabis on a commercial basis for the domestic market. Fairly large-scale cannabis cultivation occurs in the Lake Victoria basin, in the central highlands around Mt. Kenya, and along the coast. ANU officials conduct aerial surveys to identify significant cannabis-producing areas in cooperation with the Kenya Wildlife Service. However, according to ANU officials, farmers are increasingly savvy about how to shield their crops from aerial detection and difficult terrain hampers eradication efforts. The ANU was unable to provide statistics on the success of their crop eradication efforts, although they reported that one acre of Cannabis was recently destroyed in 2008. Routinely, when fields are found, the crops are uprooted and fields burned.

Khat, categorized as a Class 1 narcotic in the U.S. but legal in Kenya, is a major generator of foreign exchange revenues. Khat is packed with cathinone, a naturally occurring chemical similar to amphetamines which is best chewed within 48 hours of being picked, when the leaves are still fresh. Grown primarily near the town of Meru on the slopes of Mt. Kenya, khat is primarily exported through Somali networks to countries in the Horn of Africa, particularly Somalia, Ethiopia and Yemen. Tanzania has banned the sale of khat, and Uganda has drafted legislation to ban sales as well, but bans in these countries have had little impact on the massive khat trade to Somalia. Exports to U.K. and Netherlands, where the drug is legal, have increased in recent years to satisfy the demands of immigrants from the Horn of Africa residing in those countries.

Drug Flow/Transit. Kenya is strategically located along a major transit route between Southwest Asian producers of heroin and markets in Europe and North America. Heroin normally transits Kenya by air, carried by individual couriers. A string of cocaine and heroin seizures at Jomo Kenyatta International Airport (JKIA) in spring 2006 (most from flights originating in West Africa) highlights the continuing drug trafficking problem in Kenya. While the arrests of drug "mules" may alert trafficking syndicates that enhanced profiling measures and counter narcotics efforts make JKIA an increasingly inconvenient entry/exit point for drugs, the arrests have achieved little in the way of assisting authorities to identify the individuals behind the drug trafficking networks. ANU officials continued to intercept couriers transiting land routes from Uganda and Tanzania, where it is believed the drugs arrive via air routes. The increased use of land routes demonstrates, in the minds of ANU officials, that traffickers have noted the increase in security and narcotics checks at JKIA. Postal and commercial courier services are also used for narcotics shipments through Kenya, particularly shipments of khat to the U.K. and U.S. Though officials have never identified any clandestine airstrips in Kenya used for drug deliveries, it is likely that such airstrips exist. There is evidence that poor policing along the East African coast makes this region attractive to maritime smugglers. An emerging pattern is that of opiates shipped from Kenya to the islands of the Indian Ocean: Seychelles, Mauritius, Madagascar and Comoros. In June 2008, a Kenyan woman was arrested in Mauritius in a USD 1.8 million drug bust. She appeared to be the contact in Mauritius for two Tanzanian boxers and four officials who had arrived for the African boxing championships with the heroin.

Domestic Programs/Demand Reduction. Kenya continues to make progress in efforts to institute programs for demand reduction. Illegal cannabis and legal khat remain the domestic drugs of choice. Heroin abuse is generally limited to members of the economic elite with a broader range of users on the coast. Cocaine is generally limited to urban centers. Solvent abuse is widespread among street children in Nairobi and other urban centers. NACADAA actively combats drug abuse, although the organization's budget remains inadequate to the challenge. In May 2008, NACADAA published a National Strategy on Prevention, Control and Mitigation of Drug and Substance Abuse, as well as a National Alcohol Policy. In an effort to offset the dearth of reliable statistics on drug abuse in Kenya, NACADAA developed a comprehensive survey of the problem in 2007. It has also done an assessment of drug counseling and treatment centers in Kenya. NACADAA and a number of communities sponsored programs to commemorate International Day against Drug Abuse and Illicit Trafficking on June 26, 2008 with public fora and speeches. NACADAA is presently engaged in developing certification standards for drug treatment centers and implementing a licensing service to formalize the process. NACADAA continues to be actively engaged at the community level, distributing public information brochures and

leaflets through schools and community centers. Community associations and local activists promote peer counseling and provide training to volunteers. Of particular note is that all Kenyan civil servants now have clauses in their performance contracts relating to what they will do to counter drug abuse.

IV. U.S. Policy Initiatives and Programs

U.S. Policy Initiatives. The principal U.S. antinarcotics objective in Kenya is to interdict the flow of narcotics to the United States. A related objective is to limit the corrosive effects of narcotics-related corruption in law enforcement, the judiciary, and political institutions, which has created an environment of impunity for well-connected traffickers. The U.S. seeks to accomplish this objective through law enforcement cooperation, the encouragement of a strong Kenyan government commitment to narcotics interdiction, and strengthening Kenyan antinarcotics and overall judicial capabilities.

Bilateral Cooperation and Accomplishments. USG bilateral cooperation with Kenya on antinarcotics matters is ongoing. The donation by the Department of State's Anti-Terrorism Assistance (ATA) program to the government of Kenya (GOK) of seven boats (coupled with training) will enable GOK multi-agency shallow water patrols along Kenya's coastline, which should significantly improve the capacity of the GOK to patrol and secure Kenya's coastal waters and assist drug interdiction efforts on the coast. ATA is also assisting with building Kenya's capacity to patrol points of entry to and in the Port of Mombasa by providing training and refurbishing existing patrol boats. The Department of Homeland Security's Customs and Border Control (CBP) office is assisting the Kenya Revenue Board (KRA) Customs Bureau in meeting the World Customs Organization (WCO) Framework of Standards to Secure Global Trade and addressing Export Border Control Issues. CBP has provided multi-agency training through workshops, seminars, and courses covering airport, seaport, land border, and export control issues and provided \$443,000 worth of inspectional equipment to customs and other agencies in Kenya engaged in port/border security issues. CBP is also assisting the KRA in improving and expanding its Canine Enforcement Program. KRA is scheduled to procure four additional canines for its program from the US in January 2009. In May 2008, a GOK delegation traveled to the US to witness CBP best practices pertaining to airport, seaport, land border, headquarters operations programs, and training facilities which they are now adapting to enhance programs, operations and training in Kenya. USAID/Kenya provides support to projects offering addiction treatment services to substance abuse addicts in Nairobi and on the Kenyan coast. The Department of State's Bureau for International Narcotics and Law Enforcement Affairs will provide training to Kenyan drug addiction counselors in the therapeutic communities model beginning in January 2009 as well as assist the GOK in establishing a three-year training program to train drug addiction counselors throughout the country in Level 1 certification and prepare them for an independently-administered examination by the U.S.-based The Association for Addiction Professionals (NAADAC). Certification training will be scheduled in January 2009.

The Road Ahead. The USG will continue to take advantage of its good relations with Kenyan law enforcement on enhancing its operational capacity, and information sharing. USG will actively seek ways to maximize antinarcotics efforts both in Kenya and throughout East Africa. Perhaps most significantly, the USG will work with local, regional, and international partners to better understand and combat the flow of international narcotics through Kenya. The USG will also continue to expand our public awareness outreach to assist demand reduction efforts in Kenya.

1V. Statistical Tables (Majors Only)

Not required.

VI. Chemical Control

Kenya is not a major producer of precursor and essential chemicals. Those chemicals which are imported are for use in domestic production for domestic use. Imports and exports are monitored by

the Pharmacy and Poisons Board. Companies must report import, manufacture and exports of precursors on a quarterly basis. At the beginning of each calendar year, companies must provide an estimate of their projected annual consumption and an explanation for any increase.

The Pharmacy and Poisons Board maintains inspectors at all major ports, e.g. Jomo Kenyatta International Airport and the Port of Mombasa, as well as rotational inspectors who oversee postal and courier services. In addition, there are provincial inspectors in Eldoret in western Kenya and Nyanza on Lake Victoria.

Distributors of precursor chemicals are required to submit quarterly reports with exact information on quantities and recipients of precursor chemicals. Import permits are valid for six months, and distributors' licenses to import precursor chemicals expire annually on December 31, making them subject to an annual review process to ensure compliance with existing regulations. END QUOTE.

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